

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff,

v.

[1] BERNARDO BELOME-LONE,
[2] YEISON CALCANO-CASTANO

Defendants.

CRIMINAL NO. 20-256 (DRD)

**INFORMATIVE MOTION REGARDING EN BANC REVIEW BY FIRST CIRCUIT OF
DAVILA-REYES**

TO THE HONORABLE COURT:

COMES NOW the United States of America, through the undersigned attorneys, and very respectfully moves to inform the Court of the status of the *en banc* review by the First Circuit in U.S. v. Davila-Reyes. In support of this Motion, the Government states the following:

1. On July 6, 2020, a federal Grand Jury returned a two (2) count Indictment against the above captioned defendants. (ECF No. 10).

2. On January 20, 2022, the First Circuit issued its amended decision in U.S. v. Davila-Reyes (cases No. 16-2089, 16-2143), invalidating a major part of the Maritime Drug Law Enforcement Act (MDLEA), 46 U.S.C. § 70502(d)(1)(C).

3. A preliminary review of the indictment filed, and related evidence, shows that the instant prosecution in case number 20-256 may be impacted by the Court's opinion.

4. On February 11, 2022, Defendants filed a Motion to Continue Sentence due to an alleged Lack of Jurisdiction based on the holding of Davila-Reyes. (ECF No. 63).

5. On March 2, 2022 and again on May 16, 2022, the Government filed motions to hold this instant case in abeyance pending *en banc* review of Davila-Reyes. (ECF Nos. 65 and 67).

6. This Court granted the Government's motions to hold the case in abeyance and ordered an update of the status of the hearing by August 1, 2022. (ECF Nos. 65, 68, and 69).

7. On July 5, 2022 the First Circuit granted an *en banc* review of U.S. v. Davila-Reyes, ordering briefs from both sides due July 26, 2022 and a hearing on October 18, 2022.

WHEREFORE, the Government respectfully informs this court and requests that this Court continues to hold this case in abeyance and postpone the filing of the government's response to the motion to dismiss pending the issuance of the *en banc* review by the First Circuit in Davila-Reyes.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all parties in this case.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of August, 2022.

W. STEPHEN MULDROW
United States Attorney

s/ Jordan H. Martin
Jordan H. Martin
Special Assistant United States Attorney
United States Attorney's Office
350 Carlos Chardón Avenue, Suite 1201
San Juan, Puerto Rico 00918
Jordan.Martin@usdoj.gov
Tel: (787) 282-1932